

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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UNITED STATES OF AMERICA,

Plaintiff,

Case No. CR-10-20162

v.

AARON MOORE,

Defendant(s)

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**ORDER DENYING DEFENDANT'S MOTION TO REQUIRE NOTICE OF OTHER ACTS**

Pending before the court is Defendant's Motion (Dkt. #35) seeking to have the court direct the government to give notice of other acts it intends to introduce, including the names of any witnesses it intends to call.

First, Eastern District of Michigan Local Rules require that a movant in any motion to seek concurrence in motions and, if concurrence is not obtained, to report that a conference between attorneys was held but concurrence was not obtained, or that despite reasonable efforts the movant was unable to conduct such a conference. E.D. Mich. LR 7.1(a). No exception is made for criminal cases. E.D. Mich. LR 1.1(c) ("These rules apply in civil and criminal actions."). The motion neither mentions nor explains any effort to seek concurrence and to agree upon a result without involving the court.

Second, Fed. R. Evid. 404(b) governs the admission of other acts evidence, and requires that the government provide reasonable notice (normally in advance of trial) of "the general nature of any such evidence," predicated upon a "*request by the accused*" for such information. No necessity for a motion or other involvement by the court at this stage is indicated either by the Rule or in the motion.

Accordingly, IT IS ORDERED that Defendant's motion (Dkt. #35) is **DENIED**.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: September 16, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 16, 2010, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522